

CONSERVATION FORESTS AND LANDS ACT 1987

VARIATION OF THE CODE OF PRACTICE FOR TIMBER PRODUCTION 2014 (No.1/2021)

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, vary the Code of Practice for Timber Production 2014, in accordance with Part 5 of the *Conservation, Forests and Lands Act 1987*, in the manner set out in this instrument.

Dated: 1 November 2021

Responsible Minister:

HON. LILY D'AMBROSIO MP

MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE

Part 1—Preliminary

1 Purposes

The purpose of this instrument is to vary the *Code of Practice for Timber Production 2014*, notice of the making of which was published in *Victoria Government Gazette* S390 on 28 October 2014.

2 Commencement

The variation of the Principal Code takes effect on the date that is 14 days after the date on which this instrument or notice of the variation effected by this instrument is published in the Government Gazette.

3 Principal Code

In this instrument, the *Code of Practice for Timber Production 2014* is called the Principal Code.

4 Incorporated documents

- (1) Matters contained in the document known as the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2021*, as in force at the date of this instrument, are incorporated into the Principal Code in accordance with section 1.2.8 of the Principal Code (as substituted by this instrument) and in accordance with other provisions in the Principal Code that refer to the Management Standards and Procedures.
- (2) Any matter contained in the documents known as the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014* and the *Planning Standards for timber harvesting operations in Victoria's State forests 2014* in Appendix 5 to the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2014*, as incorporated into the Principal Code immediately prior to the commencement of this instrument, is no longer incorporated into the Principal Code from the commencement of this instrument.

5 Construction of this instrument

- (1) In this instrument, if a clause requires more than one instance of a term or expression to be substituted with another term or expression, unless the clause otherwise requires:
 - (a) It applies to each relevant instance of that term or expression in the section of the Principal Code identified in that clause, whether or not the term is bolded or capitalised; and
 - (b) It applies so that the term or expression is bolded or capitalised in the same manner as the term for which it is substituted.
- (2) Paragraph (1)(b) does not apply to require that a term be formatted with bolding or without bolding if clause 6 of this instrument otherwise requires.

Part 2—Variation of the Code of Practice for Timber Production 2014

6 Style

- (1) In the Principal Code, in relation to each term or expression defined in the Glossary to the Principal Code—
 - (a) for every occurrence of that defined term or expression in the Principal Code that is not formatted with bolding **substitute** that defined term formatted with bolding;
 - (b) if a defined term or expression is capitalised in the Glossary, for every occurrence of that defined term or expression in the Principal Code that is not formatted with capitalisation **substitute** that defined term formatted with capitalisation as it appears in the Glossary.
- (2) Clause (1) applies to the formatting of the terms and expressions in text to be inserted into the Principal Code by this instrument, and prevails in the event of any inconsistency with any other clause of this instrument.
- (3) In the column titled "Section" of Table 1 in section 1.3 of the Principal Code, for each reference to a section number that is not otherwise amended by this instrument, **substitute** that same section number formatted with bolding.
- (4) Headings in the Principal Code, whether or not inserted, amended or substituted by this instrument, are to be formatted in accordance with the heading styles as shown in the Schedule to this instrument.
- (5) Except as otherwise provided by this instrument, amendments to be made to the Principal Code by this instrument are intended to be made in the same style as the relevant section of the Principal Code currently appears in that Code;
- (6) Except as otherwise provided by this instrument, including by being shown in a different font than the balance of this instrument, text that is to be inserted or substituted into the Principal Code by this instrument:

- (a) is to be in font type Arial, size 9, if it is within a Table in the Principal Code;
- (b) is to be in font type Arial, size 10, if it is in the body of the Principal Code and is not within a Table.

7 Glossary

- (1) For the heading to the Glossary to the Principal Code for "Glossary" **substitute "Glossary:"**.
- (2) In the Glossary to the Principal Code—
 - (a) **omit** "The first time a word from this glossary appears on each page, it has been highlighted in bold.";
 - (b) after "used" (where first occurring) **insert** "in this **Code** and the **Management Standards and Procedures**".
- (3) In the Glossary to the Principal Code **insert** the following definitions in the appropriate alphabetical position—

"Aboriginal cultural heritage" has the same meaning as in the *Aboriginal Heritage Act 2006*.

'Action Statement' means an action statement prepared under Part 4 of the *Flora and Fauna Guarantee Act 1988*.

'approved road' means the section of road or extent of a **significant road improvement operation** to be constructed within **Special Protection Zone** that is **approved** by the **Minister** or **delegate** in accordance with a provision of this **Code** and its incorporated document the **Management Standards and Procedures** providing for or enabling the grant of that approval.

'approved stream crossing', as used in section 3.4.1.8 and 3.4.1.12 of this **Code**, means a stream crossing the construction of which has been **approved** by the **responsible authority** in accordance with a planning scheme or a permit issued under a planning scheme.

'Ash' means any one or more of Mountain Ash (*Eucalyptus regnans*), Alpine Ash (*Eucalyptus delegatensis*) or Shining Gum (*Eucalyptus nitens*).

'Ash forest green patch exclusion area' means an area that is protected in accordance with cl 8.1.8 of the **Management Standards and Procedures**. **Ash forest green patch exclusion areas** are a type of **exclusion area**.

'Ash habitat tree exclusion area' means an area that is protected in accordance with cl 8.1.9 of the **Management Standards and Procedures**. **Ash habitat tree exclusion areas** are a type of **exclusion area**.

'Box Ironbark' means **forest** characterised by a **canopy** of box, ironbark and gum-barked eucalypts, growing to 25 m in height, over a sparse **understorey** of wattles, small-leaved and prostrate shrubs,

herbs and grasses. The main trees are White Box (*Eucalyptus albens*), Red Box (*Eucalyptus polyanthemus*), Red Ironbark (*Eucalyptus tricarpa*), Mugga Ironbark (*Eucalyptus sideroxylon*), Yellow Gum (*Eucalyptus leucoxylon*) and Red Stringybark (*Eucalyptus macrorhyncha*). In some areas they may grow with, or be replaced by, Yellow Box (*Eucalyptus melliodora*), Long-leaf Box, Silver Bundy (*Eucalyptus nortonii*), Forest Red Gum (*Eucalyptus tereticornis*), Coast Grey Box (*Eucalyptus bosistoana*), Gippsland Grey Box (*Eucalyptus bosistoana*), Grey Box (*Eucalyptus microcarpa*), Blue Box (*Eucalyptus baueriana*) and Yellow Stringybark (*Eucalyptus muelleriana*).

'buffer' means a protective margin of vegetation which may be applied to a feature or value, and is generally excluded from any **timber harvesting operations**. **Buffer** width or radius is defined as the horizontal distance from which various **timber harvesting operations** are excluded.

'Central Highlands FMAs' means those parts of the Central Gippsland, Central and Dandenong FMAs which fall within the Central Highlands **Regional Forest Agreement** boundary as described in the Central Highlands **Regional Forest Agreement** and defined by the spatial information in the RFA25 layer in the Victorian Spatial Data Library.

'compartment' means a specific area of **State forest** usually bounded by natural features. One compartment is often broken up into several **coupes**.

'confluent stream' means the same as **temporary stream**.

'cording' means log material, eucalypt and non-eucalypt, with a **diameter** greater than 15cm placed in a corduroy fashion on **landings** and **snig tracks** to distribute machine loading over a larger area.

'coupe-access road' means a **temporary road** constructed to link existing **permanent roads** to **in-coupe roads**.

'crown' in relation to trees, means the main **canopy** of a tree, including the main branches and leaves.

'crown' in relation to roading, means the slope of a road surface to the outside for drainage.

'dead Ash tree' in relation to Leadbeater's Possum Habitat means a tree that is obviously (physiologically) **dead**. It must be self-supporting (rooted into the ground) and would remain standing should any supporting material be removed. **Dead Ash trees** must be more than 6 m in height and greater than 1.5 m in diameter at breast height over bark (DBHOB), measured at 1.3 m above natural ground level, on the up-slope side of the tree. **Dead Ash trees** must be one of the **Ash** species and where species cannot be determined, all **dead** eucalypts in **coupes** dominated by **Ash** species are assumed to be **Ash**.

'Dead' (other contexts) means a self-supporting (rooted into the ground) tree that is physiologically dead.

'Department' has the same meaning as in the *Conservation, Forests and Lands Act 1987*.

'diameter' means the width measurement of a tree or log. On a standing tree it is taken as the diameter at breast height over bark (DBHOB), which is measured at 1.3 m above ground on the up-slope side of the tree.

'ecological vegetation class (EVC)' means an area delineated and published by the **Department** (available on data.vic.gov.au) that contains one or more native plant communities with similar floristic, life form and ecological characteristics and represents a grouping of broadly similar environments such as biogeographic range, and although differing in species, have similar habitat and ecological processes operating.

'even-aged' means **forests** or **stands** that are predominantly of the one age. Usually originating as a result of a wildfire or timber harvesting activity.

'existing road' means a **permanent** or **temporary road** of any class that with or without **road maintenance** may be used for **timber haulage**. A road is not considered an **existing road** if **road construction** or **significant road improvement operations** are required for it to be usable for **haulage**.

'forest disease control area' means an area identified by either the **managing authority**, **Secretary** or **delegate** that contains a known forest disease such as Cinnamon Fungus (*Phytophthora cinnamomi*) and Root Rot (*Armillaria*) or Myrtle Wilt (*Chalara australis*).

'Forest Management Area (FMA)' means a territorial unit for planning and management of **State forests** in Victoria. The approximate location and extent of FMA boundaries are defined by the **Department's** corporate spatial dataset FMA25.

'Forest Management Zoning Scheme (FMZS)' means an administrative planning scheme comprising zones that set priorities and permitted uses in different parts of **State forest**. The FMZS is established by the Forest Management Plans, which are working plans pursuant to section 22 of the *Forests Act 1958*.

'fuel hazard rating' is as defined by the **Department's Overall fuel hazard assessment guide**.

'General Management Zone (GMZ)' means the component of the **Forest Management Zoning Scheme (FMZS)** managed for a range of uses and values, with sustainable timber production a major use.

'Gippsland FMAs' means those parts of the Central Gippsland, North East and Tambo **FMAs** which fall within the Gippsland **Regional Forest Agreement** boundary as described in the Gippsland **Regional Forest Agreement** and defined by the spatial information in the RFA25 layer in the Victorian Spatial Data Library.

'growth stage' means the system used to describe the life cycle of trees based mainly on **crown** form – the main **growth stages** being **regeneration, regrowth, mature** and **senescent**.

'haulage' means transporting of **timber** on **temporary** or **permanent roads**.

'heathland' means ecosystems that are characterised by a dense layer of small-leaved shrubs, usually 1-2 m tall, over a ground layer of sedges, coarse lilies, rope-rushes, prostrate shrubs and herbs. In most places there are occasional small, short-trunked, spreading trees, to 15 m tall, which may form a sparse **canopy** on deeper soils.

'historic place' means a building, a garden, a tree, the remains of a ship or part of a ship, an archaeological site, a precinct, a site or the land associated with any of these things that has aesthetic, archaeological, architectural, cultural, historical, scientific or social heritage significance.

It includes places identified as historic places in the **Forest Management Zoning Scheme** and places and objects registered under the *Heritage Act 2017*. It does not include **Aboriginal cultural heritage** (which is separately referred to in this **Code**).

'hollow bearing tree' in the context of Zone 1A habitat, means living **mature** or **senescent** trees of **Ash** eucalypt species containing **hollows**. **Hollow bearing tree** in the context of Zone 1B habitat means **dead Ash trees**, and living **mature** or **senescent** trees of **Ash** eucalypt species containing **hollows**.

'Indigenous Land Use Agreement' has the same meaning as in the *Native Title Act 2003* (Cth).

'in-coupe road' means a **timber** extraction road of class 5E or above (see MSP Table 20 Road classification system) constructed specifically for use during harvesting and associated activities and usually closed at the completion of **timber harvesting operations**. It is located completely within the **approved coupe** boundary.

'land manager' means the government department, agency, corporation or statutory authority responsible for managing **public land** for or on behalf of the Crown.

'landowner' means the person who is the owner or authorised occupier of freehold land.

'Land Use Activity Agreement' has the same meaning as in the *Traditional Owner Settlement Act 2010*.

'large tree' means a living tree of any species that has a **diameter** at breast height over bark (DBHOB) equal to or greater than 2.5 metres.

'management area' means any area of land which the **Code** or the **Management Standards and Procedures** identifies as subject to a management action or mandatory action to apply a **management area**, and includes any area of land delineated or identified on the **Forest Coupe Plan** as a **management area**. A reference to a **management area**

preceded by a value is a reference to a **management area** required to be applied by a provision that protects that value.

'matting' means smaller head material (branches), bark or other vegetation that is used to cover **cording** on **snig tracks** and **landings**.

'mature' means a **growth stage** of trees. **Mature Ash** species have the following characteristics, in order of assessment priority. Note that no single characteristic defines maturity on its own, although the first characteristic (apical dominance) holds the most significant assessment weight:

- i. Lack of clear apical dominance within the upper **crown**
- ii. Presence of permanent shaping branches with **diameters** at least one third of the bole **diameter** at their junction with the bole (clear of collar)
- iii. Shaping branches are not related either to the presence of long-term natural gaps in the **canopy**, or to an open grown tree position. In the case of a natural gap, such branches often occur only on one side of the tree, and the 'assessment weight' given to this characteristic may need to be downgraded (i.e. the need for other indicators increases as part of the overall assessment)
- iv. The shaping branches contribute significantly to lateral **crown** shape and may be competing with other shaping branches for tree height position, creating a rounded **crown** appearance (related to (i) above)
- v. Apical dominance will also cease at the shaping branch level (having reached maximum length), and can induce secondary (epicormic) branch development along shaping branches, and
- vi. Some branch death (dieback) and breakage is typical, but not a dominant feature. This loss of leaf area (photosynthetic capacity) can also induce secondary (epicormic) growth to replace lost photosynthetic capacity.

Diameters of early **mature** trees may occur between 90 to 200 cm DBHOB, with typical heights of 50 to 100 m. **Diameters** of full **mature** trees may be expected between 150 to 300 cm, with typical heights of 60 to 100 m. This overlap of ranges between trees in different stages indicates why **diameter** and height are not good indicators of **growth stage**.

'merchantable' means a tree or part of a tree from which saleable **forest** produce can be obtained.

'mixed species' means mountain **mixed species**, alpine **mixed species**, foothill **mixed species** or coastal **mixed species**.

'Montane Riparian Thicket (MRT)' means an area containing at least 40 % **canopy** cover of Mountain Tea-tree (*Leptospermum grandifolium*).

Where other **rainforest canopy** species are present **MRT** is sometimes confused with **rainforest**. However, areas with 40 % or more Mountain Tea-tree **canopy** cover are defined as **MRT** not **rainforest**. Key **understorey** species typically consist of a cover of 5 % Mountain Pepper (*Tasmannia lanceolata*), 1 % Common Bird-orchid (*Chiloglottis gunnii* s.l.), 40 % Red-fruit Saw-sedge (*Gahnia sieberiana*) and Billabong Rush (*Juncus usitatus*), 1 % of at least 2 of either Mountain Club-sedge (*Isolepis subtilissima*) or Tasman Flax-lily (*Dianella tasmanica*) or Forest Sedge (*Carex alsophila*), 20 % of at least 3 of either Common Finger-fern (*Grammitis Billardierei*) or Hard Water-fern (*Blechnum nudum*) or Mother Shield-fern (*polystichum proliferum*) or Fishbone Water-fern (*Blechnum wattsii*), 5 % Austral King-fern (*Todea Barbara*) or Soft Tree-fern (*Dicksonia Antarctica*), 1 % Kangaroo Fern (*Microsorium pustulatum* ssp. *Pustulatum*) or Alpine Filmy fern (*Hymenophyllum pelatum*) and 20 % Bryophytes/Lichens.

'**Natural Resource Agreement**' has the same meaning as in the *Traditional Owner Settlement Act 2010*.

'**North East FMAs**' means those parts of the North East, Benalla-Mansfield and Central **FMAs** which fall within the North East **Regional Forest Agreement** boundary as described in the North East **Regional Forest Agreement** and defined by the spatial information in the RFA25 layer in the Victorian Spatial Data Library.

'**old growth**' means **forest** which contains significant amounts of its oldest **growth stage** - usually **senescent** trees - in the upper stratum and has been subject to any disturbance, the effect of which is now negligible. For a **stand** to qualify as **old growth**, the **regrowth growth stage**, if present, must be sparse (less than 10% of the total **crown** cover of the **stand**). Negligibly disturbed **forest** is that in which disturbance is known to have occurred, but the disturbance is unlikely to have altered the structure (**growth stage** and **crown** cover) or the usual species composition which characterises a given vegetation class; or, if the alteration did occur in the past, it is no longer measurable.

'**outrows**' means roughly parallel, narrow corridors within a **coupe** from which all trees are harvested to allow access and egress by the harvesting machinery.

'**overwood**' means **mature** trees that are taller than trees at a lower level.

'**permeability**' means the ability of soils to directly absorb water. Soils with high permeability and low potential for overland flow are able to directly absorb large quantities of water without producing any significant run-off. These soils will be generally well structured with a friable surface and a high organic matter content. Soils with low **permeability** and high potential for overland flow will not readily absorb heavy falls of rain nor small surface flows of water. The soils will be generally poorly structured with poorly defined aggregation.

'**planned burning**' has the same meaning as in the *Code of Practice for Bushfire Management on Public Land 2012*.

'population' means a group (2 or more) of individuals of the same species that are demographically, genetically, or spatially distinct from other groups of individuals.

'protection area' means any area of land which the **Code** or the **Management Standards and Procedures** identifies as subject to a mandatory action or a management action to apply a **protection area**, and includes any area of land delineated or identified on the **Forest Coupe Plan** as a **protection area**. **Timber harvesting operations** are excluded from such areas by this **Code** (unless an exemption or **approval** is granted for particular operations in accordance with this **Code**).

'rare' in so far as it relates to **biodiversity**, means a group of species that are scarce, infrequently encountered, or very uncommon.

'Recognition and Settlement Agreement' has the same meaning as in the *Traditional Owner Settlement Act 2010*.

'Recovery Team (Regent Honeyeater)' means a team of experts established to guide, evaluate, review progress, and implement recommendations which may arise from research under the Regent Honeyeater **Action Statement**.

'regeneration' in relation to a **growth stage** of trees. Eucalypt seedlings that haven't reached **reproductive maturity** (typically less than 10 years old) are classified as regeneration.

'Register of Land Use Activity Agreements' is the register created by section 67 of the *Traditional Owner Settlement Act 2010*.

'regrowth' in relation to a **growth stage** of trees. Regrowth eucalypts have narrow, conical **crowns** (pointed) with relatively high individual **crown** densities. The majority of branches lie at an acute angle to the main stem and overall height is still increasing.

'regularly used sites (Regent Honeyeater)' means a site known to have been used by Regent Honeyeaters at some time in at least three of the past six years.

'reproductive maturity' means the life stage when an organism can reproduce. In the case of trees it means when a tree can set enough seed to repopulate the area occupied by the parent tree if the parent tree were removed. **Ash** species typically reach **reproductive maturity** after 10 years of age.

'restricted access catchments' means catchments managed by agreement between Melbourne Water and the **Department**.

'road' means an area of land generally developed for the purpose of the driving or riding of motor vehicles.

'road construction' means the establishment and extension of a new road or new section of road; this does not include **road maintenance** or **significant road improvement operations** on already existing **temporary** or **permanent roads**.

'road maintenance' means works designed to restore the serviceability of the surface, drainage and verges of an existing **temporary** or **permanent road** to the condition of its original road class and within the original road footprint. **Road maintenance** works include:

- i. Grading / re-forming road carriage way surface;
- ii. Re-surfacing / re-sheeting / or armouring carriage way surface with rock;
- iii. Clearing table-drains and culverts to maintain water runoff;
- iv. Blading-off of roads, where measures are in place to prevent adverse impacts on water quality; and
- v. the management of sight lines and road drying by the cutting of vegetation within the road verge to the maximum allowable width for original intended road class.

'road works' includes **road construction**, **significant road improvement operations** and **road maintenance**.

'run-off' with regard to **road construction**, means a short graded channel angled away from **road** edges to divert **road** drainage water off the **road** into undisturbed vegetation. Sometimes called a mitre drain.

'sanctioned road' means a road authorised by the **managing authority** to be constructed for the purpose of **coupe** access within **buffers** or **filters** identified in a **Forest Coupe Plan**.

'Seasonally Closed Road' means a road which is temporarily closed on a seasonal basis usually for environmental reasons, under s 21(1A) of the *Forests Act 1958*.

Note: The **Secretary**, as a relevant State road authority, may also close a roadway or pathway, or part of a roadway or pathway, for a particular period during the year under provisions in the *Road Management Act 2004*.

'senescent' means a **growth stage** of trees. Senescent eucalypts are characterised by **dead** branches and declining **crown** leaf area, with the trunk of the tree likely to contain burls and bumps. The top of the tree is invariably broken off with the remaining **crown** more than 95 % secondary, being composed of branches of epicormic origin.

'significant road improvement operations' means operations on an **existing road** that:

- i. improve the road to a higher road classification (e.g., 5D to 5B); and/or
- ii. correct excess adverse (uphill >10%) and/or favourable (downhill >15%) road grades; and/or
- iii. widens and/or correct the geometry of existing corners beyond the minimum clearance widths of a higher road class; and/or

- iv. requires removal of **native vegetation** greater than the following thresholds:
 - 0.5 ha of **native vegetation** in an **EVC** with Bioregional Conservation Status of Endangered, Vulnerable or **Rare**; and
 - 1 ha of **native vegetation** in an **EVC** with Bioregional Conservation Status of Depleted or Least Concern.

In general, these works include operations such as major resurfacing, major corner widening, significant bridge or other stream crossing structure works, including bridge replacement.

'Sites of Significance for Rainforest' means areas designated by the **Department** in a spatial layer held in the Victorian Spatial Data Library as containing the most significant **rainforest stands**.

'Special Management Zone (SMZ)' means a component of **Forest Management Zoning Scheme (FMZS)** which are managed to conserve specific features and values, while catering for sustainable timber production and other utilisation activities under certain conditions, specified in **SMZ** plans.

'Special Protection Zone (SPZ)' means a component of **Forest Management Zoning Scheme (FMZS)** which are managed primarily for conservation values, forming a part of Victoria's Comprehensive, Adequate and Representative reserve system. **Timber harvesting operations** are generally excluded from **SPZ**.

'Special Water Supply Catchment Area' has the same meaning as in the *Catchment and Land Protection Act 1994*.

'temporary effluent' has the same meaning as **temporary stream**.

'uneven-aged' means **forests** or **stands** where at least two distinct age groups of trees are present.

'verified' means verified by the **Secretary** or **managing authority**. Verification must occur in accordance with any guidelines **approved** by the **Secretary** for this purpose from time to time, or (if no such guidelines exist for the relevant value) by any other method as the **Secretary** or **managing authority** (as the case requires) determines to be appropriate."

(4) In the Glossary to the Principal Code, for the definition of:

(a) "agroforestry" **substitute**—

"agroforestry" means the simultaneous and substantial production of **forest** and other agricultural products from the same land unit (defined in the Victoria Planning Provisions).";

(b) "approved" **substitute**—

"approved" means unless otherwise stated a thing, action, plan or practice that is:

- i. in the case of **State forest**, **approved** by the **Minister** or **delegate** in accordance with a provision of this Code and its incorporated document the **Management Standards and Procedures** that provides or enables the grant of an approval; and
 - ii. in the case of private land, **approved** by the **responsible authority** (usually **local government**) in accordance with a planning scheme or a permit issued under a planning scheme.";
- (c) "authorised officer" **substitute**—
"**authorised officer**" has the same meaning as in the *Conservation Forests and Lands Act 1987*.";
- (d) "biodiversity" **substitute**—
"**biodiversity**" has the same meaning as in the *Flora and Fauna Guarantee Act 1988*.";
- (e) "code" **substitute**—
"**Code**" means *the Code of Practice for Timber Production 2014* (amended 2021).";
- (f) "**coupe**" **substitute**—
"**coupe**", in relation to:
 - i. "State forest", as defined in the *Sustainable Forests (Timber) Act 2004*, has the same meaning as in that Act; and
 - ii. any other land, means a single area of forest or **plantation** of variable size, shape and orientation from which **timber** is harvested in one operation.";
- (g) "coupe diary" **substitute**—
"**coupe diary**" is the document by that name that forms part of the **Forest Coupe Plan** and can be used to record entries relevant to the management of **timber harvesting operations** and subsequent silvicultural treatment. Entries can be made by the **harvesting entity**, supervising forester, the contractor/logging team leader or other contractors signed into the **coupe**.";
- (h) "coupe driveway" **substitute**—
"**coupe driveway**" means a temporary **coupe access road** established to provide access to a **timber harvesting operation**. For planning purposes, a coupe driveway is a **coupe access road** less than 500 m long. **Coupe driveways** are considered part of a **coupe**.";
- (i) "delegate" **substitute**—

"delegate" means a person (including a person by reference to their position or role) to whom the **Minister** or **Secretary**, as the case requires, has delegated the relevant power, duty or function under Part 2 of the *Conservation, Forests and Land Act 1987* or has been authorised by the **Minister** to consider applications sought in accordance with the **Code** and the **Management Standards and Procedures**.";

(j) "domestic" **substitute**—

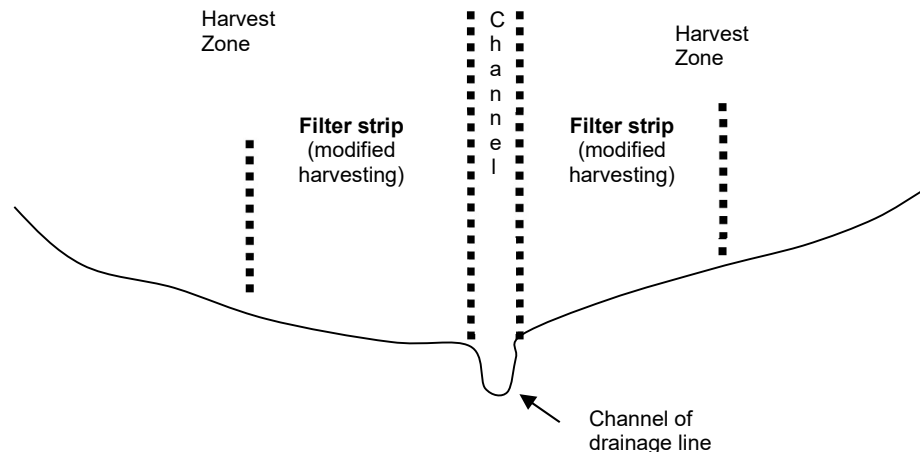
"domestic" (firewood) means firewood that is collected for personal use and is not sold to a third party or used in a commercial enterprise.";

(k) "drainage lines" **substitute**—

"drainage lines" means depressions that have visible evidence of periodically flowing water (including obvious sedimentation or other clear evidence of overland flow) that feed into **temporary** or **permanent streams**. A defined channel may or may not be present. Visible water flow would be expected after storm events or briefly in the wettest times of the year. Distinctive **riparian vegetation** is not likely to be present.

Artificial **drainage lines** that do not discharge directly into **waterways** are not considered within the above definition.

In **native forests**, **drainage lines** will generally be protected from harvesting by a **filter strip** (Glossary Figure 1). Refer to the **Management Standards and Procedures**.



Glossary Figure 1 – Drainage Lines in Native Forests

This figure demonstrates the use of **filter strips** and modified harvesting to minimise soil disturbance within drainage lines. Note: Diagram not to scale. Zone widths vary according to circumstances.";

(l) "exclusion area" **substitute**—

"**'exclusion area'** means any area where **timber harvesting operations** are required to be excluded by the **Code** or the **Management Standards and Procedures**, but do not include **Special Protection Zones** and **protection areas**. For the avoidance of doubt, **buffers**, **Ash forest green patch exclusion areas** and **Ash habitat tree exclusion areas** are also **exclusion areas**.";

(m) "fauna" **substitute**—

"**'fauna'** has the same meaning as in the *Flora and Fauna Guarantee Act 1988*.";

(n) "filter strip" **substitute**—

"**'filter' or 'filter strips'** means an area of vegetated ground adjacent to a forest attribute (where **merchantable overstorey** may have been removed, if present), designated to minimise soil disturbance and/or disturbance to the forest attribute. Trees may be felled from within a **filter** or **filter strip** subject to certain conditions, however machinery entry is not permitted unless related to **sanctioned** activities.";

(o) "flora" **substitute**—

"**'flora'** has the same meaning as in the *Flora and Fauna Guarantee Act 1988*.";

(p) "habitat tree" **substitute**—

"**'habitat tree'** includes living trees or **dead** stags, and often contains **hollows** that are suitable shelter and/or nesting sites for animals such as possums and parrots. In certain circumstances habitat trees are required to be identified and protected from **timber harvesting operations** to provide habitat or future habitat for **wildlife**. The **Code** and **Management Standards and Procedures** contain additional criteria that habitat trees must satisfy for the purposes of particular clauses.";

(q) "hollow" **substitute**—

"**'hollow'** means an opening in the trunk or branches of a tree. **Hollows** often form after a branch dies and falls off a tree. **Hollows** must have an entrance **diameter** in excess of 4 cm and not have a height in excess of 30 cm. However, in the context of Leadbeater's Possum habitat **hollows** are cavities formed in the trunk or branches of a live or **dead Ash tree**. They are formed in **Ash** eucalypt trees through a variety of processes but are generally related to ageing and decay, although physical injury and insect damage may also contribute. They vary in size, both in cavity opening **diameter** and cavity depth and volume, from small openings of 4 - 8 cm to very large with entrance **diameters** of 18 - 30 cm or more.";

(r) "landscape sensitivity area" **substitute**—

"**Landscape sensitivity area**' means areas listed within the **Management Standards and Procedures** section 5.2 and Table 17 - Landscape management prescriptions. **Landscape sensitivity areas** generally have a high scenic quality and visual sensitivity and are usually areas that are readily visible from high-usage recreational facilities such as look-outs, walking tracks, tourist roads, or campsites.

(s) "local government" **substitute**—

"**local government**' means the **responsible authority**. Note that the term **local government** has been used throughout this **Code** for ease of reader use, however it is the **responsible authority** (which is usually the **local government**) that administers the operation of the **Code** on **private land** and for **plantations**.";

(t) "Management Standards and Procedures" **substitute**—

"**Management Standards and Procedures**' means the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests, 2021*.";

(u) "managing authority" **substitute**—

"**managing authority**' means a person or body responsible for the planning and management of a **timber harvesting operation**. In **State forests**, **VicForests** is the **managing authority** for **timber harvesting operations**.";

(v) "Minister" **substitute**—

"**Minister**' means the Minister responsible for Part 5 of the *Conservation, Forests and Lands Act 1987*.";

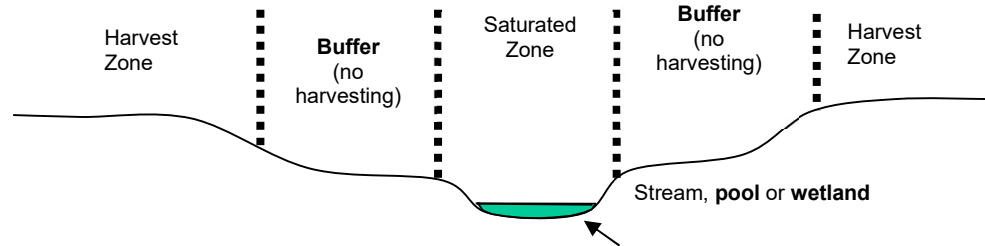
(w) "permanent road" **substitute**—

"**permanent road**' means a **road** or track of class 5E and above (see MSP Table 20 Road classification system), and includes **roads**, tracks, bridges, crossings and culverts which are permanently required for the continuing management of the **forest**, including **timber harvesting operations**.";

(x) "permanent stream" **substitute**—

"**permanent stream**' means a river or stream that flows throughout the year. **Permanent streams** may stop flowing or dry out in extremely dry years. **Permanent streams** will support distinctive **riparian vegetation** (except where previously removed by human activity, and not including River Red Gum (*Eucalyptus camaldulensis*)), indicative of extended periods of **saturation** and distinguishable from vegetation communities in surrounding areas. Streams have a well-defined incised permanent channel. See also **pools** and **wetlands**.

In **native forests**, **permanent streams**, **pools** and **wetlands** are **buffered** from harvesting (Glossary Figure 2). Refer to the **Management Standards and Procedures**.



Glossary Figure 2 – Permanent Streams, Pools or Wetlands in Native Forests

Permanent streams, pools or wetlands are shown in Figure 2. A saturated zone exists, which is a well-defined incised permanent channel. These must be protected by a **buffer** at all times where no harvesting is excluded. **Note:** Diagram not to scale. Zone widths vary according to circumstances.";

(y) "pesticide (and/or Chemical control agent)" **substitute**—

"**pesticide (and/or chemical control agent)**' means a chemical product that is used to control pest plants or animals. Includes herbicides, insecticides, fungicides, rodenticides and other similar products. Their registration for sale and use is controlled by State and Commonwealth legislation.";

(z) "precautionary principle" **substitute**—

"**precautionary principle**' means that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the **precautionary principle**, decisions by **managing authorities**, **harvesting entities** and **operators** must be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- ii. an assessment of the risk-weighted consequences of various options.

Note:

It is intended by this definition and section 2.2.2.2 that the **precautionary principle** and its application in section 2.2.2.2 be understood as it was by Osborn J in *Environment East Gippsland Inc v VicForests* [2010] VSC 335 (in relation to the **precautionary principle** as it appeared in the *Code of Practice for Timber Production 2007*)";

(aa) "rainforest" **substitute**—

"**rainforest**' means closed (>70 per cent projected foliage cover) broadleaved forest vegetation with a **rainforest tree canopy** of

variable height, and with a characteristic composition of species and life forms, of at least 0.1 ha in area and 20 metres width. Rainforest includes closed transitional and seral communities with emergent eucalypts (including Cool Temperate Mixed Forest as a recognised subset of rainforest), that are of similar botanical composition to mature **rainforests** in which eucalypts are absent.";

(bb) "regeneration" **substitute**—

"**'regeneration'** in relation to forestry means the renewal or re-establishment of **native forest flora** by natural or artificial means following disturbance such as a **timber harvesting operation** or fire.";

(cc) "regional forest agreements" **substitute**—

"**'Regional Forest Agreements (RFAs)'** means an agreement between Victoria and the Commonwealth that is an RFA or **Regional Forest Agreement** within the meaning of the *Regional Forest Agreements Act 2002*.";

(dd) "responsible authority" **substitute**—

"**'responsible authority'** means the person or body that is specified to be the **responsible authority** in accordance with s 13 of the *Planning and Environment Act 1987*."

Note: Generally (but not always) the **responsible authority** is the **local government** responsible for administering the local planning scheme. It is the **responsible authority** that administers the operation of the **Code on private land** and for **plantations**.";

(ee) "Secretary" **substitute**—

"**'Secretary'** means the body corporate established by Part 2 of the *Conservation, Forests and Lands Act 1987*.";

(ff) "State forest" **substitute**—

"**'State forest'** means:

- i. "State forest" within the meaning of the *Forests Act 1958*; and
- ii. any other category of **public land** where **timber harvesting operations** occur or are proposed to occur.";

(gg) "temporary stream" **substitute**—

"**'temporary stream'** means a stream that has a clearly defined continuous channel or streambed and flow during certain seasonal periods of the year, such as following snowmelt, but not throughout the year. **Temporary streams** contain distinctive **riparian vegetation** (except where previously removed by human activity, and not including River Red Gum (*Eucalyptus camaldulensis*)), indicative of periods of **saturation** and

distinguishable from vegetation communities in surrounding areas. **Note:** in **native forests**, **temporary streams** may be protected from harvesting by **buffers** or **filter strips** (Figure 3). Refer to the **Management Standards and Procedures**.

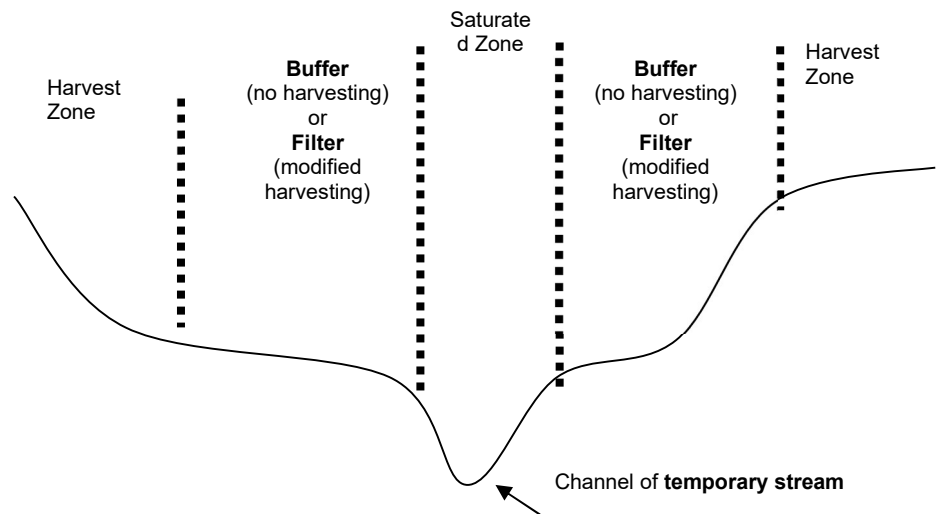


Figure 3 – Temporary Streams in Native Forests

Temporary Streams have a clearly defined continuous channel or streambed, that flows subject to seasonal periods throughout the year. These may be protected by a buffer where harvesting is excluded. **Note:** Diagram not to scale. Zone widths vary according to circumstances.";

(hh) "Timber Harvesting Plan" **substitute**—

"**Timber Harvesting Plan**" means a plan prepared under this **Code** for private **native forests** (Section 3.1.1) and **plantations** (Section 4.5.1), usually consisting of a map identifying the area(s) to be harvested and a statement of conditions applying to the timber production activity, and lodged with the **responsible authority**. The plan may apply to a single **coupe** or to an area in which a number of **coupes** are to be harvested.";

(ii) "timber release plan" **substitute**—

"**Timber Release Plan**" has the same meaning as it has in the *Sustainable Forests (Timber) Act 2004*.";

(jj) "water supply protection area" **substitute**—

"**water supply protection area**" means any one or more of the following:

- i. **Special Water Supply Catchment Area;**
- ii. a designated catchment identified in a forest management plan;
- iii. a catchment protected by or under a planning scheme made under the *Planning and Environment Act 1987*.";

- (kk) "wildlife" **substitute**—
"‘**wildlife**’ has the same meaning as in the *Wildlife Act 1975*.";
- (ll) "waterway" **substitute**—
"‘**waterway**’ means any one or more of the following:
- i. a **waterway** within the meaning of the *Water Act 1989*;
 - ii. a **permanent stream**;
 - iii. a **temporary stream**;
 - iv. a drainage line;
 - v. a **pool**; or
 - vi. a **wetland**."
- (5) In the definition of "basal area" in the Glossary to the Principal Code—
- (a) after "'given" **insert** "coupe,";
 - (b) for "(or plot)" **substitute** "or plot".
- (6) In the definition of "blading off" in the Glossary to the Principal Code—
- (a) **omit** "drifts of";
 - (b) **omit** "(landings etc.)".
- (7) The definition of "buffer (strip)" in the Glossary to the Principal Code is **revoked**.
- (8) In the definition of "clearfall" in the Glossary to the Principal Code, for ", apart from those to be retained for wildlife habitat, are removed" **substitute** "are removed, apart from those required to be retained for the purpose of protecting specified forest values such as habitat, **waterways**, visual amenity or other values".
- (9) The definition of "cultural heritage" in the Glossary to the Principal Code is **revoked**.
- (10) In the definition of "harvesting entity" in the Glossary to the Principal Code, for "an organisation or person" **substitute** "a person or body".
- (11) In the definition of "harvesting team leader" in the Glossary to the Principal Code—
- (a) for "—" **substitute** "means";
 - (b) **omit** "or timber production operation".
- (12) In the definition of "operator" in the Glossary to the Principal Code—
- (a) after "person" **insert** "or body";
 - (b) after "Typically" **insert** ",."
- (13) The definition of "Planning Standards" in the Glossary to the Principal Code is **revoked**.

- (14) In the definition of "plantation" in the Glossary to the Principal Code, for **"timber production" substitute "timber harvesting operation"**.
- (15) In the definition of "private land" in the Glossary to the Principal Code—
 - (a) **omit** "for the purposes of this Code, private land";
 - (b) for "other than the Minister for Environment and Climate Change, the Minister for Agriculture and Food Security, or the **Secretary**" **substitute** "a person or body other than the Minister for Energy, Environment and Climate Change, the Minister for Agriculture, or the **Secretary**".
- (16) In the definition of "public land" in the Glossary to the Principal Code—
 - (a) for "managed and controlled" **substitute** "managed or controlled";
 - (b) **omit** "and Food Security";
 - (c) for "occupied under a licence or other right (but not including land occupied under a licence under the *Victorian Plantations Corporation Act 1993*)." **substitute** "that land is leased, licensed or otherwise occupied by another person (but does not include land within the meaning of paragraph (iv) of the definition of **private land**)."
- (17) In the definition of "retained trees" in the Glossary to the Principal Code—
 - (a) **omit** "wildlife";
 - (b) after "**thinning**" **insert** "or harvesting".
- (18) In the definition of "salvage harvesting operation" in the Glossary to the Principal Code, for "timber harvesting operation" **substitute** "**timber harvesting operations**".
- (19) In the definition of "sanctioned" in the Glossary to the Principal Code, for "approved" **substitute** "authorised".
- (20) In the definition of "saturation" in the Glossary to the Principal Code—
 - (a) after "'saturation'" **insert** ", ";
 - (b) for "waterways" **substitute** "**waterways**".
- (21) In the definition of "shelterwood coupes" in the Glossary to the Principal Code, after "Firstly" **insert** ", ".
- (22) The definition of "Special Water Supply Catchment" in the Glossary to the Principal Code is **revoked**.
- (23) In the definition of "temporary road" in the Glossary to the Principal Code, for "coupe driveways" **substitute** "**coupe access roads** or driveways".
- (24) In the definition of "timber" in the Glossary to the Principal Code, for "is" **substitute** "means".
- (25) The definition of "timber harvesting manager" in the Glossary to the Principal Code is **revoked**.

- (26) The definition of "timber production" in the Glossary to the Principal Code is **revoked**.
- (27) In the definition of "VicForests" in the Glossary to the Principal Code, **omit** "it has".
- (28) In the definition of "wetland" in the Glossary to the Principal Code, for "*E camaldulensis*)" **substitute** "River Red Gum (*Eucalyptus camaldulensis*)".

8 General

- (1) In the Principal Code, for "**timber harvesting managers**" (wherever occurring) **substitute** "the **managing authority**";
- (2) In the Principal Code, for "timber haulage" (wherever occurring) **substitute** "**haulage**".

9 Chapter 1 General

- (1) In section 1.1 of the Principal Code—
 - (a) **omit** "Timber and fibre harvested from Victoria's **native forests** and **plantations** are vital to our way of life, providing a renewable, adaptable resource with a wide variety of uses. Timber production is an important component of regional economies across Victoria, creating jobs and wealth that are a cornerstone of the State's prosperity.";
 - (b) for "Wood products have long been harvested" **substitute** "Timber and other valuable products have long been sourced";
 - (c) for "National parks" **substitute** "national parks";
 - (d) for "have" (where thirdly occurring) **substitute** "has";
 - (e) after "agricultural land." **insert** "The Victorian Forestry Plan will assist the industry as it manages its gradual transition away from native timber harvesting in **State forests** by 2030.";
 - (f) for "field based" **substitute** "field-based";
 - (g) **omit** "to ensure a sustainable long-term path for this industry";
 - (h) **omit** "appropriate, responsible";
 - (i) after "in late 1993." **insert**—

"The Code was further reviewed and published in 2007 and 2014.

In 2020, the Victorian Government commissioned a review of the **Code**. This variation of the **Code** addresses immediate issues identified by the review and incorporates amendments to clarify the requirements of the **managing authority**, **harvesting entities** and **operators** when conducting and planning **timber harvesting operations**. The changes provide for a clearer, more accurate and more enforceable **Code**.

As required by Victoria's **Regional Forest Agreements (RFAs)**, the **Code** will undergo a more comprehensive review by 2023 and will continue to be reviewed every 5 years.";

- (j) **omit** “The Code was further reviewed and published in 2007 to incorporate advances in scientific knowledge, the substantial changes in legislation and regulation governing forest management in Victoria and improvements in timber harvesting operational practices since 1993. This version of the Code builds on the 2007 review by streamlining the environmental regulatory framework for **harvesting managers, harvesting entities and operators** conducting and planning timber harvesting operations.”;
- (k) **omit** “The Code will continue to be reviewed on a regular basis, informed by a comprehensive review of forestry science. The result of the high level of public scrutiny, the extensive field based management experience and the world class reserve system is a well regulated and sustainable industry in Victoria.”.
- (2) In section 1.2.1 of the Principal Code—
 - (a) for "the timber industry" **substitute** "forest ecosystems";
 - (b) for "a Code of Practice" **substitute** "the **Code**"
- (3) In section 1.2.2 of the Principal Code—
 - (a) **omit** "**native forests** proposed for cyclical";
 - (b) after "operations" (where secondly occurring) **insert** "in **native forests** within **State forests** until 2030 when **timber harvesting operations** in native forests will cease".
- (4) In the heading to section 1.2.3 of the Principal Code, after “**made**” **insert** “?”.
- (5) In section 1.2.3 of the Principal Code for “Minister for Environment and Climate Change” **substitute** “**Minister**”.
- (6) For sections 1.2.4 to 1.2.8 of the Principal Code (inclusive) **substitute**—

“1.2.4 Scope of the Code

The **Code** applies to the planning and conducting of all commercial timber production and **timber harvesting operations** on both **public land** and **private land** in Victoria. The **Code** does not apply to the collection or production of firewood for **domestic** use. Any **haulage, road construction, significant road improvement operations or road maintenance works, tending, regeneration or rehabilitation** activities conducted in association with a **timber harvesting operation** are by definition, also a **timber harvesting operation**. The provisions of this **Code** apply to all **timber harvesting operations**, unless the provision expressly excludes specified **timber harvesting operations** from its operation.

1.2.5 Policy and Laws governing timber harvesting operations in Victoria

Timber harvesting in Victoria is governed by a wide range of Commonwealth and State legislation, regulations and policies. The

Code addresses the legal obligations that the **managing authority, harvesting entities and operators** must comply with during the planning and conducting of **timber harvesting operations** in addition to existing relevant law. Therefore, the **Code** does not duplicate the legal obligations of the **managing authority, harvesting entities and operators** already existing in Commonwealth or State legislation including the relevant laws (legislation) listed in the *Conservation, Forests and Lands Act 1987*. Appendix A provides a list of the existing legislation, regulations and policies that apply to **timber harvesting operations** that are in addition to the **Code**. Appendix A is not an exhaustive list.

1.2.6 Application of the Code

This **Code** and any document incorporated into this **Code** (including the **Management Standards and Procedures**) apply to the **managing authority, harvesting entities and operators**.

1.2.7 Description of Land to which Code Applies

The **Code** applies to all land in the State of Victoria that is either being used for or is intended to be used for timber production or **timber harvesting operations**.

The **Code** applies to **timber harvesting operations** in **State forest** and other **public land**, as required by or under the *Conservation, Forests and Lands Act 1987*, the *Forests Act 1958*, the *Sustainable Forests (Timber) Act 2004* or any other legal requirement. **Timber harvesting operations** on that land are the subject of Chapter Two.

The **Code** applies to all timber production and **timber harvesting operations** on other land, defined to be **private land** for the purposes of this Code, as required by or under the *Planning and Environment Act 1987*, a licence under the *Victorian Plantations Corporation Act 1993*, or any other legal requirement. Timber production and **timber harvesting operations** on that land are the subject of Chapters Three (native forest) and Four (private plantations).

The **Code** does not apply to **domestic** firewood collection or production, **agroforestry**, windbreaks or other amenity plantings, or to the occasional felling of trees for local uses on the same property or by the same landowner or manager. Small **plantations** and woodlots of five hectares or less (total area existing or proposed on contiguous land which is in the same ownership) are also exempt from the **Code**, as are plantings established for non-commercial purposes. The **Code** does not apply to revegetation conducted for the purposes of erosion or salinity control.

The **Secretary** is a referral authority for **timber harvesting operations** applications as specified in Clause 66 of the Victoria Planning Provisions (VPPs) and all planning schemes. The **Code** is consistent with the VPPs in recognising that **plantations** are established primarily for **timber harvesting operations**. Thus, planning controls concerned with the development of **plantations** explicitly allow for their subsequent management and harvesting.

1.2.8 Compliance in State forest

Under the *Sustainable Forests (Timber) Act 2004*, compliance with this **Code** is mandatory for any person planning for or conducting a **timber harvesting operation** in **State forest**. Penalties for non-compliance may apply if **timber harvesting operations** in **State forest** are not in accordance with the **Code**.

Timber harvesting operations on **public land** other than **State forest** are governed by lease and licence conditions which may specify a requirement to comply with this **Code**.

The **Code** is a prescribed legislative instrument made and enforced under relevant laws listed in the *Conservation, Forests and Lands Act 1987*. For the purposes of each relevant law the **Secretary** is an **authorised officer** and is therefore responsible for ensuring compliance with the **Code** in **State forest**.

Certification schemes

In addition, **timber** producers on **State forest** may choose to adopt independent product accreditation under national and international systems, which have associated performance criteria and auditing requirements that meet or exceed the requirements of this **Code**.

Incorporated Documents

The *Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2021* (**Management Standards and Procedures**) are incorporated into this **Code** to provide detailed mandatory operational instructions, including region specific instructions for **timber harvesting operations** in Victoria's **State forests**.

The **Management Standards and Procedures** are consistent with the Operational Goals and Mandatory Actions of this **Code** and must be complied with for **timber harvesting operations** in Victoria's **State forests**.

The **Management Standards and Procedures** are informed by relevant policy documents including policies relating to specific forest values such as threatened species, guidelines and

strategies within forest management plans made under the *Forests Act 1958* and **Action Statements** made under the *Flora and Fauna Guarantee Act 1988*. The **Management Standards and Procedures** replace any directions relating to **timber harvesting operations** contained within these documents.

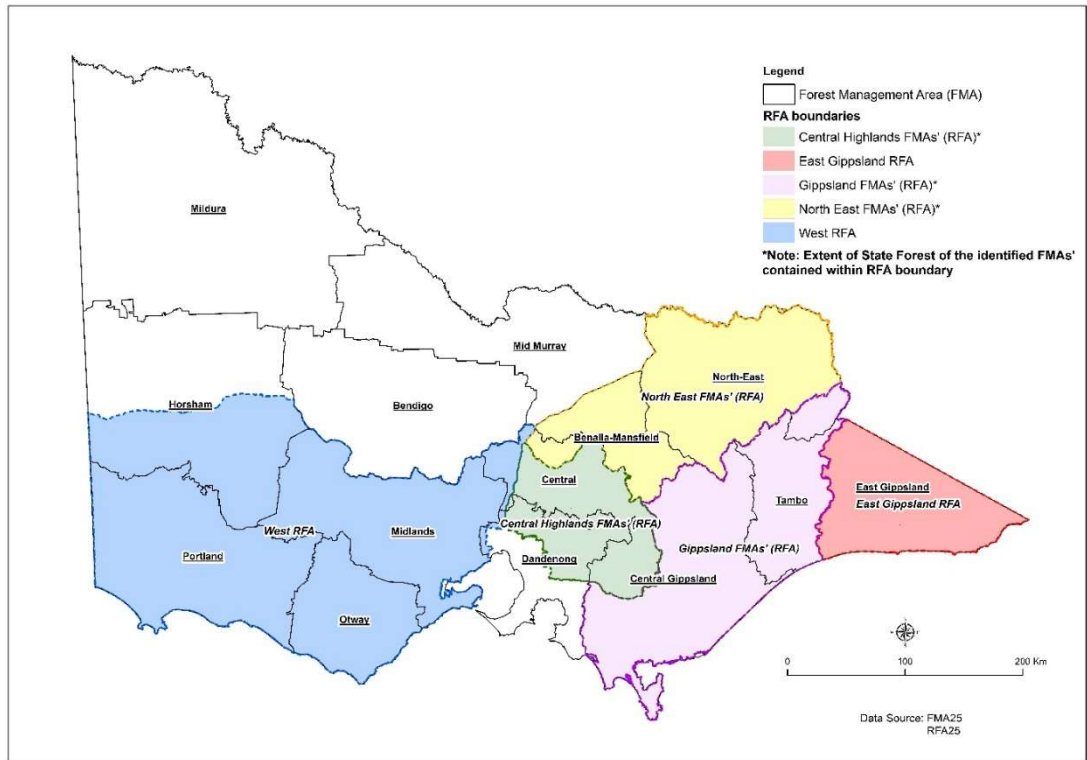


Figure 4: Indicative map of forest management areas relevant to the Code.

Several administrative management and planning and **forest management areas** exist across Victoria. These are important as they identify use of land and how these areas of **forest** are managed."

(7) After section 1.2.8 of the Principal Code **insert—**

"1.2.9 Compliance on Private Land

Timber production is a defined land use in the VPPs and all planning schemes. Clause 53.11 specifies the provisions relating to timber production and this **Code** is an incorporated document which must be considered.

Local government is responsible for ensuring compliance with the planning system. The **Code** must be complied with to the satisfaction of the **responsible authority** (usually **local government**), whether or not a permit is required.

Certification schemes

In addition, **timber** producers on **private land** may choose to adopt independent product accreditation under national and

international systems, which have associated performance criteria and auditing requirements that meet or exceed the requirements of this **Code**.

Associated Documents

The *Management guidelines for private native forests and plantations - Code of Practice for Timber Production 2014* (MGs) aid interpretation of the **Code** on **private land** and **plantations**. The MGs are consistent with the Operational Goals and Mandatory Actions of this **Code**. Variations to the MGs must address the Operational Goals and Mandatory Actions of this **Code**.

1.2.10 Terminology

The following terms are used in the **Code** to provide a structure for the **Code's** intended outcomes and the mechanisms within the **Code** to achieve these. The glossary provides further definitions.

A Code Principle is a broad outcome that expresses the intent of the **Code** for each aspect of sustainable forest management.

An Operational Goal states the desired outcome or goal for each of the specific areas of **timber harvesting operations**, to meet the Code Principles.

Mandatory Actions are actions to be conducted in order to achieve each operational goal. The **managing authority**, **harvesting entities** and **operators** must undertake all relevant mandatory actions to meet the objectives of the **Code**. Mandatory Actions are focussed on practices or activities. Failure to undertake a relevant Mandatory Action would result in non-compliance with this **Code**.

1.2.11 Protection areas, management areas and the Forest Management Zoning Scheme

This **Code** (including the incorporated **Management Standards and Procedures**) requires the application of **protection areas** and **management areas** in circumstances where, prior to the 2021 amendments, the **Code** required an application be made to the **Secretary** to update the **FMZS** to create (respectively) an **SPZ** or **SMZ**.

The intention of these changes is to impose immediately enforceable obligations equivalent to those which would have applied to the same area if and when an **SPZ** or **SMZ** was applied to the land. The obligations apply to the **protection area** or **management area**, whether or not the **managing authority** has delineated these areas in the **Forest Coupe Plan**. The definitions of **protection area** and **management area** operate to include any such area that has been delineated, and any area that was

required to be applied as a **protection area** or **management area** (even if it has not been delineated in the **Forest Coupe Plan**).

The **Secretary** intends to update the **FMZS** to create an **SPZ** or **SMZ** as the case requires. If and when that occurs, the provisions in this **Code** (including the incorporated **Management Standards and Procedures**) are intended to operate in the following way.

If a **protection area** is subsequently included in an **SPZ**:

- any management action that was required in relation to the **protection area** continues to be required in relation to the **SPZ**;
- any exemption or approval obtained in relation to that **protection area** continues and applies in the same manner in relation to the **SPZ**, and
- in the event of any direct inconsistency between provisions in the Code that apply to areas subject to an **SPZ**, and provisions that apply to **protection areas**, the **SPZ** provisions prevail.

If a **management area** is subsequently included in a **SMZ**:

- any management action that was required in relation to the **management area** continues to be required in relation to the **SMZ**;
- any management plan that has been prepared and **approved** in relation to the **management area** continues in relation to the **SMZ**;
- any exemption or approval obtained in relation to the **management area** continues and applies in the same manner in relation to the **SMZ**, and
- in the event of any direct inconsistency between provisions in the **Code** that apply to areas subject to a **SMZ**, and provisions that apply to **management areas**, the **SMZ** provisions prevail.

1.2.12 Long-term (Strategic) Forest Management Planning

As a matter of broad policy, sound planning ensures that the full range of **State forest** values are managed sustainably for current and future generations. These values include ecological diversity, **historic places**, **Aboriginal cultural heritage**, landscape, provision of recreation and educational opportunities as well as a range of renewable forest products. It is important to ensure that forest management is responsive to changing community expectations, expanding knowledge of forest ecosystems and techniques to improve planning approaches.

Long-term (strategic) forest management planning is undertaken in accordance with legislation and processes such as **Regional Forest Agreements (RFAs)** and includes outputs like policies relating to specific forest values (e.g. threatened species) and forest management plans.

The **Forest Management Zoning Scheme (FMZS)** is a product of broad strategic planning and is a spatial representation of forest values which are managed in Victoria's **State forests**. The **FMZS** seeks to achieve a balance between a range of value inputs, conservation and forest use objectives, including consideration of legislative and policy constraints.

The **FMZS** identifies three management zones within **State forest**: the **Special Protection Zone (SPZ)**; the **Special Management Zone (SMZ)**; and the **General Management Zone (GMZ)**. **SMZs** are managed to conserve specific features and values, while catering for sustainable timber production and other utilisation activities under certain conditions, specified in **SMZ** plans. **SPZs** are managed primarily for conservation values, forming a part of Victoria's Comprehensive, Adequate and Representative reserve system. **Timber harvesting operations** are generally excluded from **SPZ**. **GMZs** are managed for a range of uses and values, with sustainable timber production a major use.

Effective and inclusive long-term forest management planning processes provide the setting for which the **Code** and the **Management Standards and Procedures** have been established, and seek to:

- provide for the perpetuation of native **biodiversity**;
- maintain a range of forest age classes and structures;
- identify and mitigate impacts on all **historic places** and **Aboriginal cultural heritage**;
- minimise impact on water quality and quantity within any particular catchment;
- minimise adverse visual impact in **Landscape sensitivity areas**; and
- facilitate effective **regeneration** of harvested forest.

While long-term (strategic) forest management planning is primarily undertaken by the Secretary, it is also relevant to the **managing authority** in its operational planning. The key elements of long-term forest management planning listed above are therefore incorporated into the operational goals and mandatory actions in the Code for implementation by

the **managing authority**. They also strongly align with the Code Principles outlined below.

- (8) In section 1.3 of the Principal Code—
 - (a) for “Code principles” **substitute** “Code Principles”;
 - (b) for "on" (where first occurring) **substitute** "in";
 - (c) for "**forest**" (where first occurring) **substitute** "**forests**";
 - (d) for "are" (where first occurring) **substitute** "**is**";
 - (e) for "Cultural heritage values" (where first occurring) **substitute** "**Historic places and Aboriginal cultural heritage**";
 - (f) for "and significant archaeological, historic and other cultural heritage sites" **substitute** ", **historic places and Aboriginal cultural heritage**";
 - (g) for "high level" **substitute** "high-level".
- (9) After the heading to Table 1 in section 1.3 of the Principal Code, and before the first row of Table 1, **insert** “These high-level operational principles each relate to achievable operational goals on the ground.”.
- (10) In the entry relating to 'Biological diversity and ecological characteristics of native flora and fauna within forests' in Table 1 in section 1.3 of the Principal Code—
 - (a) for “2.1.1, 2.3.1 and 3.1.1 Forest Planning” **substitute** “**1.2.8, 2.3.1** Operational Planning and **3.1.1** Forest Planning”;
 - (b) for “2.2.2 and 3.1.2” **substitute** “**2.2.2 and 3.2.2**”.
- (11) In the entry relating to 'ecologically sustainable long-term timber production capacity for forests managed for timber harvesting operations' in Table 1 in section 1.3 of the Principal Code—
 - (a) for “2.1.1 and 2.3.1 Forest Planning” **substitute** “**1.2.8 and 2.3.1** Operational Planning”;
 - (b) for “3.5.2 Stocking Assessment” **substitute** “**3.5.2** Stocking Assessment and Remedial Treatment”;
 - (c) for “2.3.2” **substitute** “**2.3.3**”;
 - (d) for “3.5.3” **substitute** “**3.5.2**”;
 - (e) **omit** "plantation" (where first occurring);
 - (f) for "and cultural heritage" (wherever occurring) **substitute** ", **historic places and Aboriginal cultural heritage**”.
- (12) In the entry relating to 'Forest ecosystem health and vitality' in Table 1 in section 1.3 of the Principal Code—
 - (a) for “3.2.3” **substitute** “**3.2.2**”.
- (13) In the entry relating to 'Soil and water assets within forests' in Table 1 in section 1.3 of the Principal Code—

- (a) for "2.1.1 and 2.3.1 Forest Planning" **substitute** "2.2.1 Water Quality and 2.3.1 Operational Planning";
 - (b) for "3.1.1" (wherever occurring) **substitute** "3.2.1".
- (14) In the entry relating to 'Cultural heritage values within forests' in Table 1 in section 1.3 of the Principal Code—
- (a) for "Cultural" **substitute** "Historic places and Aboriginal cultural";
 - (b) for "2.1.1 and 2.3.1 Forest Planning" **substitute** "1.2.8 and 2.3.1 Operational Planning";
 - (c) for "and cultural heritage" **substitute** ", historic places and Aboriginal cultural heritage".
- (15) In the entry commencing with 'Planning is conducted ' in Table 1 in section 1.3 of the Principal Code—
- (a) for "2.1.1" (wherever occurring) **substitute** "1.2.8" ;
 - (b) for "Forest Planning" (wherever occurring) **substitute** "Operational Planning";
 - (c) for "is" (where fifthly occurring) **substitute** "must be".

10 Chapter 2 Code Application - State Forests

- (1) In the introductory paragraphs under the heading to Chapter 2 of the Principal Code—
- (a) for "Chapter" **substitute** "chapter";
 - (b) after "to" (where first occurring) **insert** "all timber harvesting operations (including";
 - (c) **omit** "the" (where first occurring);
 - (d) after "regeneration" **insert** ")";
 - (e) **omit** "where timber harvesting operations are conducted";
 - (f) after "managed by" **insert** "or on behalf of".
- (2) Section 2.1 of the Principal Code is **revoked**.
- (3) Above section 2.2 **insert**—
- "Note:**
Former section 2.1 is revoked. Relevant content moved to Section 1.2.12."
- (4) In section 2.2.1.3.iv. of the Principal Code—
- (a) **omit** "declared";
 - (b) after "Catchment" **insert** "Area".
- (5) In section 2.2.2 of the Principal Code, for "Goal" **substitute** "Goals".
- (6) At the foot of section 2.2.2.2 of the Principal Code **insert**—
- "Note:**
It is intended by the definition of the precautionary principle and section 2.2.2.2 that the precautionary principle and its application in section 2.2.2.2

be understood as it was by Osborn J in *Environment East Gippsland Inc v VicForests* [2010] VSC 335 (in relation to the precautionary principle as it appeared in the *Code of Practice for Timber Production 2007*).".

- (7) In section 2.2.2.4 of the Principal Code, after "**exclusion areas**" insert "**protection areas, management areas**,"
- (8) In section 2.2.2.10 of the Principal Code, for "hollow-bearing" substitute "**hollow bearing**".
- (9) In section 2.2.2.13 of the Principal Code, for "areas of known pest plant, pest animal and pathogen infestations" substitute "**forest disease control areas**".
- (10) In section 2.2.2.15 of the Principal Code, for "DEPI's" substitute "the Victorian Government's".
- (11) In section 2.2.2.16 of the Principal Code—
 - (a) for "Where Myrtle Wilt (*Chalara australis*), Cinnamon Fungus (*Phytophthora cinnamomi*) or Root Rot (*Armillaria*) is known to exist" substitute "**Within forest disease control areas**";
 - (b) omit "these";
 - (c) after "pathogens" insert "such as Myrtle Wilt (*Chalara australis*), Cinnamon Fungus (*Phytophthora cinnamomi*) or Root Rot (*Armillaria*)".
- (12) For section 2.3.1.2 of the Principal Code substitute—

"2.3.1.2 A **Forest Coupe Plan** must:

 - i. be prepared by the **managing authority** prior to the commencement of a **timber harvesting operation** including **road construction** coupes or **significant road improvement operation** coupes;
 - ii. be updated by the **managing authority** during or following any **timber harvesting operation** if and as required by the **Code** or the **Management Standards and Procedures**;
 - iii. delineate or describe the intended boundaries, activities and requirements in adequate detail to enable **operators** to complete work to the required standard, comply with the **Code** and comply with the **Management Standards and Procedures** for the life of the **coupe**, and to support the **Secretary** in reviewing compliance;
 - iv. be **sanctioned** by the **managing authority** as initially prepared, and as updated from time to time (with copies as **sanctioned** to be made available at the request of the **Secretary**);
 - v. delineate the boundaries of any **protection area** or **management area**;

- vi. record evidence of **timber harvesting operations** being **sanctioned** or **approved** if occurring within **SPZ, protection areas** or outside the area identified in an **Allocation Order** or licensed to the **harvesting entity**;
 - vii. record details of the type of **timber harvesting operation**;
 - viii. document all exemptions or temporary variations to operational requirements of the **Management Standards and Procedures** and any **sanctioned** activities or decisions made until the timber harvesting coupe is successfully regenerated and rehabilitated; and
 - ix. include a **coupe diary**".
- (13) In section 2.3.1.3 of the Principal Code, for "approved" **substitute** "planned".
- (14) In section 2.3.1.4 of the Principal Code, for "code" **substitute** "Code".
- (15) In section 2.4 of the Principle Code, for "timber haulage" **substitute** "haulage".
- (16) In sections 2.4.1.1, 2.4.2.1, 2.4.3.1, 2.4.4.1, 2.4.5.1 and 2.4.6.1 of the Principal Code, for "DEPI" **substitute** "the **Secretary**".
- (17) In section 2.4.1.2 of the Principal Code—
- (a) after "new" **insert** "roads";
 - (b) for "substantially upgraded roads" **substitute** "significant road improvements".
- (18) In section 2.4.2 of the Principal Code **omit** "road" (where sixthly and seventhly occurring).
- (19) In section 2.4.2.9 of the Principal Code, for "waterway" **substitute** "waterway,".
- (20) In section 2.4.5 of the Principal Code—
- (a) after "Haulage" (where first occurring) **insert** "may need to cease";
 - (b) after "forest roads" **insert** "for periods";
 - (c) **omit** "Haulage may need to cease for a period where this is the case.".
- (21) In section 2.5 of the Principal Code—
- (a) for "section 2.3.1" **substitute** "Section 2.3.1";
 - (b) for "Goal" **substitute** "Goals";
 - (c) for "and cultural heritage" **substitute** ", historic places and **Aboriginal cultural heritage**".
- (22) In section 2.5.1.2 of the Principal Code, after "Zone" **insert** "(SMZ)".
- (23) In section 2.5.1.3 of the Principal Code—

- (a) after "boundaries," insert **"exclusion areas, protection areas,"**;
 - (b) after **"Special Protection Zones"** insert **"(SPZs), management areas, SMZs";**
 - (c) **omit "**, exclusion areas, areas where special management applies".
- (24) For section 2.5.1.4 of the Principal Code, for "exempted in accordance with this Code" **substitute** **"approved** in accordance with this **Code** and the **Management Standards and Procedures"**.
- (25) For sections 2.5.1.5 to 2.5.1.8 (inclusive) of the Principal Code **substitute—**
- "2.5.1.5 Timber harvesting operations** are prohibited in **SPZs, buffers** and **protection areas**, unless section 2.5.1.6, 2.5.1.7 or 2.5.1.8 applies."
- 2.5.1.6 The following **timber harvesting operations** are not prohibited by section 2.5.1.5:
- i. **road maintenance;**
 - ii. **haulage** on **existing roads**.
- 2.5.1.7 The following **timber harvesting operations** are not prohibited in a **SPZ** or **protection area** by section 2.5.1.5, if the operations are authorised by and are conducted in accordance with an **approval**:
- i. **road construction** (including construction of a **coupe-access road** and **in-coupe road**, and which may include the removal of a limited number of trees associated with the construction of a stream crossing) and **significant road improvement operations;**
 - ii. seed collection from standing trees;
 - iii. **regeneration** or **rehabilitation** works;
 - iv. the use of existing **coupe infrastructure** (and necessary incidental works).
- Note:** Other provisions of the **Code** or the **Management Standards and Procedures** provide the power to grant an **approval** for the above operations."
- 2.5.1.8 The following **timber harvesting operations** are not prohibited by section 2.5.1.5, if the operations are **sanctioned** and are conducted in accordance with the **sanction**:
- i. construction of an **in-coupe road** or **coupe driveway, snig track** or associated stream crossing in a **buffer** area (which construction may include the use of machinery and the removal of trees for safety purposes if permitted by the relevant **sanction**);
 - ii. the removal of a limited number of trees to protect public or worker safety;
 - iii. the removal of fallen trees or debris in a **SPZ, protection area** or **exclusion area**.
- Note:** Other provisions of the **Code** or the **Management Standards and Procedures** provide the power to **sanction** the above operations."

- (26) The heading to sections 2.5.1.9 and 2.5.1.10 of the Principal Code is **revoked**.
- (27) For sections 2.5.1.9 to 2.5.1.10 (inclusive) of the Principal Code **substitute**—
- "2.5.1.9 Areas outside the coupe boundary or within **SPZs, protection areas** and **exclusion areas** must be protected from damage caused by trees felled in adjacent areas. If trees or debris fall into or otherwise enter these areas, despite the obligation to protect these areas, then the trees or debris may be removed only if sanctioned. Sanction will only be given if significant damage and disturbance of soil and vegetation outside the harvestable area can be avoided.

Timber harvesting operations within filter strips

- 2.5.1.10 Disturbance to soil and **understorey** vegetation from **timber harvesting operations** in **filter strips** must be minimised."
- (28) After section 2.5.1.10 of the Principal Code **insert**—
- "2.5.1.11 Trees may be felled from within **filter strips** where machinery does not enter the **filter strip**. The felling of trees into **filter strips** must be avoided where possible.

Timber harvesting operations on steep slopes

- 2.5.1.12 **Timber harvesting operations** must not occur on slopes where they cannot be conducted safely, or they threaten the stability of the soil or have high potential for adverse off-site effects. The potential for mass soil movement must be assessed by the **managing authority** and necessary preventative actions undertaken.
- 2.5.1.13 On slopes with a high soil erosion hazard or where there is an assessed risk of mass soil movement, additional measures must be taken to avoid movement of soil into streams, such as modification to harvesting methods or increasing of the widths of **buffers** and **filter strips**."
- (29) In section 2.5.2.2 of the Principal Code, for "areas excluded from harvesting" **substitute** "**SPZ or protection areas**".
- (30) In section 2.5.2.3 of the Principal Code—
- (a) for "an approved" **substitute** "a sanctioned";
- (b) for "section 2.6" **substitute** "section 2.6.1".
- (31) In section 2.6.1.3.i. of the Principal Code, for "approved" **substitute** "authorised".
- (32) In section 2.6.1.9 of the Principal Code, for "Section 2.2" **substitute** "section 2.3.1".

11 Chapter 3 Code Application - Private Native Forests

- (1) In the introductory paragraphs under the heading to chapter 3 of the Principal Code—
 - (a) for "Chapter applies to all **timber production**" **substitute** "chapter applies to all **timber harvesting operations**";
 - (b) **omit** "and" (where thirdly occurring);
 - (c) for "Aboriginal and other cultural heritage places and" **substitute** "**historic places** and **Aboriginal cultural heritage** as well as".
- (2) In section 3.1 of the Principal Code—
 - (a) for "timber production" (where secondly occurring) **substitute** "timber harvesting";
 - (b) for "timber production" (where fourthly and fifthly occurring) **substitute** "timber harvesting operations";
 - (c) for "Permitted clearing of native vegetation – Biodiversity assessment guidelines (2013)" **substitute** "*Guidelines for the removal, destruction or lopping of native vegetation (2017)*";
 - (d) for "Goals" (where secondly occurring) **substitute** "Goal".
- (3) In section 3.1.1.1 and 3.4.1 of the Principal Code, for "timber production operations" **substitute** "timber harvesting operations".
- (4) In sections 3.1.1.3.i., 3.2.1.2, 3.3.6.1, 3.4.2, 3.4.2.2 and 3.4.3.3 of the Principal Code, for "timber production" (wherever occurring) **substitute** "timber harvesting operations".
- (5) In section 3.1.1.3.iii. of the Principal Code, after "on" **insert** "**historic places** and **Aboriginal**".
- (6) In section 3.1.1.4.i of the Principal Code, for "Landowners" **substitute** "landowner's";
- (7) In section 3.1.1 and 3.2.1 of the Principal Code, for "timber production" (wherever occurring) **substitute** "the timber harvesting operation".
- (8) In section 3.1.1.4.v., 3.1.1.9, 3.2.1.3 and 3.2.1.5 of the Principal Code, for "timber production operation" (wherever occurring) **substitute** "timber harvesting operation".
- (9) In sections 3.1.1.4.vii., 3.1.1.10, 3.2.1.18 and 3.2.2.1 of the Principal Code, for "timber production" (wherever occurring) **substitute** "timber harvesting operation".
- (10) In section 3.1.1.4.iv. of the Principal Code, after "power lines;" **insert** "and".
- (11) In section 3.1.1.4.iv. of the Principal Code, after "of" **insert** "**historic places** and **Aboriginal**".
- (12) In section 3.2 of the Principal Code—
 - (a) for "Timber production operations" **substitute** "Timber harvesting operations";

- (b) for "timber production operation" **substitute** "timber harvesting operation".
- (13) In section 3.2.1.5.iii. of the Principal Code—
 - (a) **omit** "declared";
 - (b) after "**Catchment**" **insert** "**Area**".
- (14) In section 3.2.2 of the Principal Code, for "Goal" **substitute** "Goals".
- (15) In section 3.2.3.2 of the Principal Code, for "timber production has" **substitute** "timber harvesting operations have"
- (16) In section 3.2.3.3 of the Principal Code, for "DEPI's" **substitute** "the Victorian Government's".
- (17) In section 3.3 of the Principal Code—
 - (a) **omit** "of Practice";
 - (b) for "intended purpose," **substitute** "intended purpose".
- (18) In section 3.4.1 of the Principal Code—
 - (a) for "Goal" **substitute** "Goals";
 - (b) for "and cultural heritage" **substitute** ", historic places and **Aboriginal cultural heritage**".
- (19) In section 3.4.1.2 of the Principal Code—
 - (a) after "**buffers**," **insert** "**protection areas, management areas** as well as other";
 - (b) **omit** "and areas where special management applies".
- (20) In section 3.4.3 of the Principal Code, for "timber production is" **substitute** "timber harvesting operations are".
- (21) In section 3.5.1 of the Principal Code, for "Permitted clearing of native vegetation – Biodiversity assessment guidelines (2013)" **substitute** "*Guidelines for the removal, destruction or lopping of native vegetation (2017)*".
- (22) In section 3.5.1.6 of the Principal Code, for "Section 3.2" **substitute** "section 3.2.1".

12 Chapter 4 Code Application - Plantations

- (1) In the introductory paragraphs under the heading to chapter 4 of the Principal Code—
 - (a) for "Chapter applies to timber production" **substitute** "chapter applies to timber harvesting operations";
 - (b) for "Chapter Two" **substitute** "chapter two";
 - (c) after "those" **insert** "owned or";
 - (d) for "Department of Environment and Primary Industries" **substitute** "State".

- (2) In sections 4.2.1, 4.2.1.9, 4.2.1.10, 4.2.2 and 4.2.2.1 of the Principal Code, for "timber production" **substitute** "timber harvesting operations".
- (3) In section 4.2.1.2 of the Principal Code, for "Timber production" **substitute** "Timber harvesting operations".
- (4) In sections 4.2.1.8.v. and 4.5.1.3.vi of the Principal Code, for "timber production operation" **substitute** "timber harvesting operation".
- (5) In section 4.3.2.2 of the Principal Code—
 - (a) **omit** "declared";
 - (b) after "**Catchment**" **insert** "**Area**".
- (6) In section 4.3.3.1 of the Principal Code, for "DEPI's" **substitute** "the Victorian Government's".
- (7) In section 4.4 of the Principal Code, for "production takes" **substitute** "harvesting operations take".
- (8) In section 4.5.1.2.i. of the Principal Code, for "and cultural heritage" **substitute** "values, **historic places** and **Aboriginal cultural heritage**".
- (9) In section 4.5.1.3.v. of the Principal Code, for "or cultural heritage" **substitute** ", **historic places** or **Aboriginal cultural heritage**".
- (10) In sections 4.5.1.4 and 4.5.4 of the Principal Code, for "production is" **substitute** "harvesting operations are".
- (11) In section 4.5.1.8.iii of the Principal Code, for "Haulage" **substitute** "haulage".
- (12) In section 4.5.2 of the Principal Code, for "and cultural heritage" **substitute** ", **historic places** and **Aboriginal cultural heritage**".
- (13) In section 4.5.3.2 of the Principal Code, for "or cultural heritage" **substitute** ", **historic places** or **Aboriginal cultural heritage**".
- (14) In section 4.5.4.1 of the Principal Code, for "Harvesting operations" **substitute** "Timber harvesting operations".

13 Appendix A

For Appendix A of the Principal Code **substitute**—

“Legislation, Regulations and Policies applying to timber harvesting operations on State forest and private land in Victoria.

Appendix A provides a list of legislation, regulations and policies applying to timber harvesting operations that are in addition to the Code. Appendix A is not an exhaustive list.

| Commonwealth legislation | Public | Private |
|---|--------|---------|
| <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> | Y | Y |
| <i>Agricultural and Veterinary Chemicals Act 1994</i> | Y | Y |
| <i>Australian Heritage Council Act 2003</i> | Y | Y |

| | | |
|---|---|---|
| <i>Biosecurity Act 2015</i> | Y | Y |
| <i>Environment Protection and Biodiversity Conservation Act 1999</i> | Y | Y |
| <i>Export Control Act 1982</i> | Y | Y |
| <i>National Environment Protection Measures (Implementation) Act 1998</i> | Y | Y |
| <i>Native Title Act 1993</i> | Y | Y |
| <i>Regional Forests Agreement Act 2002</i> | Y | Y |

| State legislation | Public | Private |
|--|---------------|----------------|
| <i>Aboriginal Heritage Act 2006</i> | Y | Y |
| <i>Accident Compensation Act 1985</i> | Y | Y |
| <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i> | Y | Y |
| <i>Building Act 1993</i> | Y | Y |
| <i>Catchment and Land Protection Act 1994</i> | Y | Y |
| <i>Charter of Human Rights and Responsibilities Act 2006</i> | Y | Y |
| <i>Climate Change Act 2017</i> | Y | Y |
| <i>Conservation, Forests and Lands Act 1987</i> | Y | Y |
| <i>Country Fire Authority Act 1958</i> | Y | Y |
| <i>Crown Land (Reserves) Act 1978</i> | Y | N |
| <i>Dangerous Goods Act 1985</i> | Y | Y |
| <i>Electricity Safety Act 1998</i> | Y | Y |
| <i>Emergency Management Act 2013</i> | Y | Y |
| <i>Environment Protection Amendment Act 2018</i> | Y | Y |
| <i>Environment Protection Act 2017</i> | Y | Y |
| <i>Environmental Protection Act 1970</i> | Y | Y |
| <i>Fences Act 1968</i> | N | Y |
| <i>Firearms Act 1996</i> | Y | Y |
| <i>Fisheries Act 1995</i> | Y | Y |
| <i>Flora and Fauna Guarantee Act 1988</i> | Y | Y |
| <i>Forests Act 1958</i> | Y | Y |
| <i>Forests (Wood Pulp Agreement Act 1996)</i> | Y | N |

| | | |
|--|---|---|
| <i>Heritage Act 2017</i> | Y | Y |
| <i>Heritage Rivers Act 1992</i> | Y | Y |
| <i>Land Act 1958</i> | Y | Y |
| <i>Land Conservation (Vehicle Control) Act 1972</i> | Y | |
| <i>Local Government Act 1989</i> | N | Y |
| <i>Marine and Coastal Act 2018</i> | Y | Y |
| <i>National Parks Act 1975</i> | Y | N |
| <i>Occupational Health and Safety Act 2004</i> | Y | Y |
| <i>Parks Victoria Act 2018</i> | Y | |
| <i>Planning and Environment Act 1987</i> | Y | Y |
| <i>Planning and Environment (Planning Schemes) Act 1996</i> | N | Y |
| <i>Plant Biosecurity Act 2010</i> | Y | Y |
| <i>Prevention of Cruelty to Animals Act 1986</i> | Y | Y |
| <i>Reference Areas Act 1978</i> | Y | N |
| <i>Road Management Act 2004</i> | Y | Y |
| <i>Safety on Public Land Act 2004</i> | Y | N |
| <i>State Owned Enterprises Act 1992</i> | Y | N |
| <i>Summary Offences Act 1966</i> | Y | N |
| <i>Sustainable Forests (Timber) Act 2004</i> | Y | N |
| <i>Subordinate Legislation Act 1994</i> | Y | Y |
| <i>Traditional Owner Settlement Act 2010</i> | Y | N |
| <i>Victorian Plantations Corporation Act 1993</i> | Y | Y |
| <i>Water Act 1989</i> | Y | Y |
| <i>Wildlife Act 1975</i> | Y | Y |
| <i>Workplace Injury Rehabilitation and Compensation Act 2013</i> | Y | Y |

| Regulations* | Public | Private |
|--|---------------|----------------|
| <i>Aboriginal Heritage Regulations 2018</i> | Y | Y |
| <i>Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017</i> | Y | Y |
| <i>Conservation, Forests and Lands (Infringement Notice) Regulations 2017</i> | Y | Y |

| | | |
|---|---|---|
| <i>Country Fire Authority Regulations 2014</i> | N | Y |
| <i>Dangerous Goods (Explosives) Regulations 2011</i> | Y | Y |
| <i>Dangerous Goods (HCGD) Regulations 2016</i> | Y | Y |
| <i>Dangerous Goods (Storage and Handling) Regulations 2012</i> | Y | Y |
| <i>Electricity Safety (Electric Line Clearance) Regulations 2020</i> | Y | Y |
| <i>Electricity Safety (Installations) Regulations 2009</i> | Y | Y |
| <i>Fences Regulations 2014</i> | N | Y |
| <i>Flora and Fauna Guarantee Regulations 2011</i> | Y | N |
| <i>Forests (Fire Protection) Regulations 2014</i> | Y | N |
| <i>Forests (Licenses and Permits) Regulations 2009</i> | Y | N |
| <i>Forests (Recreation) Regulations 2010</i> | Y | N |
| <i>Heritage Regulations 2017</i> | Y | Y |
| <i>Land Conservation (Vehicle Control) Regulations 2013</i> | Y | N |
| <i>Occupational Health and Safety Regulations 2017</i> | Y | Y |
| <i>Planning and Environment Regulations 2015</i> | Y | Y |
| <i>Subordinate Legislation (Legislative Instruments) Regulations 2011</i> | Y | Y |
| <i>Subordinate Legislation (Prevention of Cruelty to Animals Regulations 2008) Extension Regulations 2018</i> | Y | Y |
| <i>Road Management (General) Regulations 2016</i> | Y | N |
| <i>Traditional Owner Settlement Regulations 2017</i> | Y | N |
| <i>Victorian Plantations Corporation (Register of Plantation Licences) Regulations 2018</i> | Y | Y |
| <i>Wildlife Regulations 2013</i> | Y | Y |
| <i>Workplace Injury Rehabilitation and Compensation Regulations 2014</i> | Y | Y |

| Policy | Public | Private |
|---|---------------|----------------|
| <i>Australia's Biodiversity Conservation Strategy 2010-2030</i> | Y | Y |
| <i>Code of Practice for Bushfire Management on Public Land 2012</i> | Y | N |
| <i>Biodiversity 2037 – Protecting Victoria's Environment (2017)</i> | Y | Y |

| | | |
|---|---|---|
| <i>Invasive Plants and Animals Framework (2017)</i> | Y | Y |
| <i>National Forest Policy Statement (1992)</i> | Y | Y |
| <i>National Forest Industries Plan (2018)</i> | Y | Y |
| <i>National Indigenous Forest Strategy (2005)</i> | Y | Y |
| <i>State Environment Protection Policy (Air Quality Management)</i> | Y | Y |
| <i>State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade)</i> | Y | Y |
| <i>State Environment Protection Policy (Prevention and Management of Contamination of Land)</i> | Y | Y |
| <i>State Environment Protection Policy (Waters of Victoria)</i> | Y | Y |
| <i>Sustainability Charter for Victoria's State forests (2006)</i> | Y | N |
| <i>Victorian Forestry Plan</i> | Y | N |
| <i>Water for Victoria (2016)</i> | Y | Y |

*Most statutory rules including many of these sunset after 10 years."

Schedule

Heading 1

1. Heading 2

1.1 Heading 3

1.2.1 Heading 4

Heading 5

Heading (Table)

Explanatory Note:

Heading 1 is for the heading to the Glossary and Appendix. Heading 2 is for all other Chapter headings.